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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,264	11/26/2001	Jocelyn Labbe	D/A1396	7696

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,264

Applicant(s)

LABBE ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 9, 11, 12, 14-25 and 32-47 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 13 and 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 26 April 2004 has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-10, 12, 14, 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said step of displaying time slot symbols " in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said step of displaying time slot symbols" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said step of displaying interactive selectable time slot symbols" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said step of displaying contact information" in line

2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "a particular UOGM " in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 19 recites the limitation "said UOGM" in lines 7, 10, 12, 17, 19. There is insufficient antecedent basis for this limitation in the claim.

Claim Interpretation

3. Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987).

The structural limitations of claim 19 including:

- a. a controller, see figure 1 (102);
- b. an input means, see figure 13,
- c. confirming and saving means, see figure 10B (1046, 1050).

are disclosed in Login ('281) as described herein.

Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Login et al (5,799,281)

As per Claim 2.

Login et al ('281) discloses:

- a. displaying on a user interface connected to a controller, a Time Slot and a Time Slot Status information screen for a UOGM, see figure 13;
- b. reviewing the Time Slot Status Information, see ;
- c. providing Time Slot Reservation onto the screen for the UOGM when the TSS status information shows at least one Open Time Slots for the UOGM, see figure 13 (1306);
- d. confirming and saving at least one TS as a reserved time slot responsively to the provided TSR information, see figure 13 (1306).

As per Claim 3.

Login et al (281) further discloses more than one UOGM on the screen, see figure 13.

As per Claim 19.

Login et al (281) discloses:

- a. a controller, see figure 1 (102);
- b. an input means, see figure 13,
- c. confirming and saving means, see figure 10B (1046, 1050).

As per Claim 20.

Login et al (281) further discloses an alerting means, see figure 11B (1136).

As per Claims 21-22.

The limitations of the claim do not distinguish the claimed apparatus from the prior art.

As per Claim 23-24.

Login et al (281) further discloses a computer, see figure 1 (102).

As per Claims 25-26.

The limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 8-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Login et al (5,799,281) in view of Courter et al (Mastering Microsoft Office 2000 Professional Edition).

As per Claim 4.

Login et al ('281) discloses selectable time, but does not disclose selectable date on a calendar.

Courter et al teaches selectable date and time on a calendar, see figure 20.21 and further reserving UOGMs, see page 509 (Mastering the Opportunities) for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide selectable date and time on a calendar for the benefit of advance reservations.

As per Claim 5.

Login et al ('281) discloses selectable time, but does not disclose displaying time slot symbols and time divisions for designated Time Slots during a work group's work day shift.

Courter et al teaches selectable date and time on a calendar, see figure 20.21 and further reserving UOGMs, see page 509 (Mastering the Opportunities) for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display time slot symbols and time divisions on a calendar for the benefit of advance reservations.

As per Claim 6.

Login et al ('281) discloses selectable time, but does not disclose highlighting already reserved time slots.

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Courter et al teaches highlighting already reserved time slots, see figure 20.21 for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to highlighting already reserved time slots on a calendar for the benefit of advance reservations.

As per Claim 8.

Login et al ('281) discloses selectable time, but does not disclose fixed default time slots.

Courter et al teaches fixed default time slots, see figure 20.13 for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display fixed default time slots on a calendar for the benefit of advance reservations.

As per Claim 9.

Login et al ('281) discloses selectable time, but does not disclose interactive time slot symbols.

Courter et al teaches interactive time slot symbols, see figure 20.12 for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display interactive time slot symbols on a calendar for the benefit of advance reservations

As per Claim 11.

Login et al ('281) discloses selectable time, but does not disclose displaying contact information of the user.

Courter et al teaches displaying contact information of the user, see figure 20.20 for the benefit of providing advance reservations of user operated group machines.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display contact information of the user on a calendar for the benefit of advance reservations

Allowable Subject Matter

6. Claims 7, 13, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1 are allowable.

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8. The following is a statement of reasons for the indication of allowable subject matter:

Okuda et al (4,708,461), Kawamura et al (5,587,799), Matsumoto et al (5,754,744), Brown et al (2005/0075214), Adachi (2001/0015817) and Login et al (5,799,281) alone or in combination do not disclose or fairly teach:

a. a machine timeslot reservation subsystem including storage means for storing time slot reservation information, a calendar, and time clock information, time slot status information, intended user ID code information and machine control information for a user operated group machine (UOGM);

d. means for operating said UOGM to run said received order quantity when said current clock time shows no reserved time slots for said UOGM;

e. user ID verification means for receiving and processing an actual user ID code against said intended user ID code, when said clock time corresponds to a reserved time slot;

f. programmed means for enabling operation of said UOGM to run said received order quantity when said actual user ID code matches said intended user ID code.

Prior Art Made of Record

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

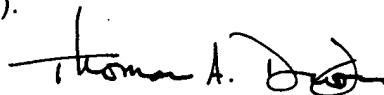
Kuasa (JP410094660) is the closest foreign art that discloses reserving a group operated machine.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3639

September 05